MONTANA LEGISLATIVE HISTORY

Chapter 404 19 79

Bill H _____ S 395 Original bill & history ✓ C

H. Committee on Judiciary			S. Committee on Judiciary / State Admin		
Hearing Date(s)	_____	___C	Hearing Date(s)	2-16	___C Jul
State Admin	3-6	___C		2-18	___C "
Jul	3-14	___C		_____	___C
	_____	___C		_____	___C
Date Out Jul	3-17	___C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

CHAPTER NO. 404

SENATE BILL NO. 395

INTRODUCED BY S. BROWN

BY REQUEST OF THE COMMISSIONER OF CAMPAIGN FINANCES AND PRACTICES

IN THE SENATE

February 7, 1979	Introduced and referred to Committee on State Administration.
February 9, 1979	Rereferred to Committee on Judiciary.
February 19, 1979	Committee recommend bill do pass. Report adopted.
February 20, 1979	Printed and placed on members' desks.
February 21, 1979	Second reading, do pass.
February 22, 1979	Considered correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 27, 1979	Introduced and referred to Committee on State Administration.
March 6, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 7, 1979	Second reading, concurred in.
March 9, 1979	On motion taken from third reading and referred to Committee on Judiciary.
March 19, 1979	Committee recommend bill be concurred in. Report adopted.

March 20, 1979	Second reading, concurred in.
March 22, 1979	Third reading, concurred in.

IN THE SENATE

March 23, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

BILL NO. 395

INTRODUCED BY J. Brown

BY REQUEST OF THE COMMISSIONER OF CAMPAIGN FINANCES AND PRACTICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY THE PROHIBITIONS AGAINST CORPORATE CONTRIBUTIONS AND EXPENDITURES IN POLITICAL CAMPAIGNS; AMENDING SECTION 13-35-227, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-35-227, MCA, is amended to read:

"13-35-227. Contributions from corporations--public utilities--and--others prohibited. No--corporation,--bank, savings--bank,--cooperative--bank,--savings--and--loan association,--trust,--surety,--indemnity,--safe--deposit, insurance,--railroad,--street-railway,-telegraph,-telephone, gas,-electric-light,-heat,-power,--canal,--aqueduct,--water, cemetery--or--crematory--company--or--any-company-having-the right-to-take-or-condemn-land-or-to-exercise--franchises--in public--ways-granted-by-the-state-or-by-any-county,-city,-or town-shall-pay-or-contribute-in-order-to--aid,--promote,--or prevent-the-nomination-or-election-of-any-person-or-in-order to--aid--or-promote-the-interests,-success,-or-defeat-of-any political-party,-organization,-or-ballot-issue.---No--person shall--solicit--or-receive-such-payment-or-contribution-from such--corporation. (1) A corporation may not make a contribution or an expenditure in connection with a candidate or a political committee which supports or opposes a candidate or a political party.

(2) A person, candidate, or political committee may not accept or receive a corporate contribution described in subsection (1).

(3) This section does not prohibit the establishment or administration of a separate, segregated fund to be used for making political contributions or expenditures if the fund consists only of voluntary contributions solicited from an individual who is a shareholder, employee, or a member of the corporation.

(4) A person who violates this section is subject to the civil penalty provisions of [section 244 of Senate Bill No. 65, 46th Legislature]."

-End-

SB 395
INTRODUCED BILL

46th LEGISLATIVE SESSION

COMMITTEE ON STATE ADMINISTRATION

SENATE BILLS

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
370	2/5	2/14	2/15	2/15 Statement of Intent					
375	2/6	2/12	2/12	2/12 As Amended					
379	2/6	2/12	2/12	2/12					
385	2/6	2/16	2/17		2/17				
387	2/6	2/16	2/17		2/17				
388	2/6	2/16	2/17		2/17				
390	2/6	2/16	2/17-2/19	2/17-2/19 As Amended Statmt. of Intent 2/21					
391	2/6	2/16	2/17		2/17				
395	2/7	2/14	Taken back 2/9/79						
400	2/7	2/20	Taken back 2/9/79						
403	3/7	2/14-2/15	2/15	2/15 As Amended					
411	2/7	2/16	2/17		2/17				
422	2/9	2/16	2/17	2/17 Statement of Intent 2/21					
443	2/10	2/16							
457	2/12	2/16	2/17		2/17				
458	2/12	2/16	2/17	2/17 Statement of Intent As Amended - 2/21					

Use a separate sheet for Senate House Bills and Resolutions

Forty-Sixth LEGISLATIVE SESSION

COMMITTEE ON Judiciary - Senate

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
SB 426	2/9/79	2/12/79	2/12/79	2/12/79					
SB 286	2/9/79	2/12/79	2/12/79	2/12/79					
SB 395	2/9/79	2/16/79	2/19/79	2/18/79					
SB 431	2/10/79	2/12/79	2/12/79	2/12/79					
SB 432	2/10/79	2/12/79	2/12/79	2/12/79					
SB 444	2/10/79	2/15/79	2/15/79		2/15/79				
SB 454	2/10/79	2/14/79	2/15/79	2/14/79					
SB 468	2/12/79	2/12/79	2/12/79			2/12/79			
SB 476	2/12/79	2/12/79	2/19/79			2/18/79			
SB 482	2/12/79	2/16/79	Tabled 2/18/79						
SB 487	2/12/79	2/19/79	Tabled 2/19/79						
SB 491	2/12/79	2/12/79	2/19/79	2/19/79					
SB 492	2/13/79	2/12/79	Transferred 2/19/79						
SB 495	2/13/79	2/19/79	2/19/79			2/18/79			
HB 335	2/13/79	3/2/79	3/2/79				3/2/79		
HB 315	2/13/79	3/19/79	3/19/79				3/19/79		

Use a separate sheet for Senate, House Bills, and Resolutions

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 16, 1979

The fortieth meeting of the Senate Judiciary Committee was called to order in Room 331 of the Capitol Building by Senator Everett R. Lensink on the above date at 9:33 a.m.

ROLL CALL:

All members were present with the exception of Senator Healy, who was excused.

CONSIDERATION OF SENATE BILL 409:

Senator Regan, District 31, gave an explanation of this bill, which is an act to generally revise the law relating to assaults and intentional torts occurring between spouses. She stated that this bill came out of a study dealing with spouse abuse, which the Montana Board of Crime Control funded, and out of which came the book, "A Study of Spouse Battering in Montana". (See copy enclosed) She said that on page 3 of the book that it deals with Montana law and remedies. She felt that the state has an interest and a duty to protect one individual from injury to another, and she did not feel that a marriage license should be a license to batter.

Carol Mitchell, from the State Task Force on Spouse Abuse, and in private practice in Missoula, Montana, stated that the common law of Montana prevents suits between husbands and wives, and parents and children; and she felt that we should abolish that immunity.

Pam Larson, an English teacher from Eastern in Billings, and mother of two sons, age 14 and 15, stated that she and her sons were part of a battering experience. She said that she preferred charges against her husband in behalf of herself and her youngest son, that her former husband was found guilty of assault, that they had extensive medical expenses; and the man was fined $50.00 and released. She stated that she was forced to pay the medical bills for her son because she was his legal representative. She also paid medical expenses for herself.

Sharon McVicker, representing herself, stated that she was a lab technician and when she had been married for approximately one year and when she was four months pregnant, her husband held her against a wall while his 16-year old daughter from a previous marriage, kicked her in the stomach. She said that she did not suffer any more battering until after her child was born; when she was violently shoved through the front door and her right artery was severed and a peripheral nerve damaged. She stated that she incurred medical bills over a six-month period and that she had no protection and she was responsible for the bills. She further stated that after her first operation she suffered two more beatings and that it has been agonizing mentally, physically and emotionally and asked the committee to support the bill.

Leonard Larson, chief deputy from the Secretary of State's office, said that this bill was O.K. with them.

There were no further proponents and no opponents.

Senator Towe moved that on page 1, line 6, strike "15" and insert "20" and on page 1, line 9, and page 2, line 11 and page 5, line 3, strike "15" and insert "20". The motion carried unanimously.

Senator Towe moved that the bill do pass, as amended. The motion carried unanimously.

CONSIDERATION OF SENAT BILL 395:

John Hanson, Commissioner of Campaign Finances and Practices, gave an explanation of this bill, which is an act to revise and clarify the prohibitions against corporate contributions and expenditures in political campaigns.

Janelle Fallon, representing the Montana Chamber of Commerce, gave a statement in support of this bill.

Margaret Davis, representing the League of Women Voters, stated that they were in support of this bill and this was a better [illegible] than SB 112, which made an attempt to clarify but was not adequate.

There were no further proponents and no opponents.

Senator Towe stated that ballot issues are not written into bill. John Hanson stated that several corporations filed suit on ballot issues.

Senator Turnage stated that there are many business entities other than corporations - there are trusts, foundations, limited partnerships, joint ventures, etc. Mr. Hanson said that they felt that most of those associations were incorporated and the intent was to update the language so that it was readable and to along with the ruling of the 9th Circuit Court of Appeals for segregation of funds by corporations.

Senator Towe questioned if it was their intent to include or exclude business entities. Mr. Hanson said that it was their intention to do it if it was done before and perhaps they did not look at it close enough.

There were no further questions or comments and the hearing this bill was closed.

CONSIDERATION OF SENATE BILL 482:

Senator Brown gave an explanation of this bill, which is an act to provide for the seizure and forfeiture of controlled substances and implements and conveyances used in dangerous drug

Date 2/16/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)			✓

Each Day Attach to Minutes.

SENATE

If Human Services & Aging Committee

SENATE Judiciary COMMITTEE

BILL _____ VISITORS' REGISTER DATE 2/16/

Please note bill no.

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPP
Gina Van Tuyl	Dept of Human Services	409		
Ed Bates	Montana Chamber	409		✓
Joe Mariorle	" "	409		✓
Jim Mitchell	Mt. Coalition of Human Services	409	✓	
Dennis Hunter	Butte Silver Bow	409	✓	
Shauna Kaminski	" "	409		
[illegible]	[illegible]	409	✓	
[illegible]	[illegible]	409	✓	
Carol Bonham	Mt Dept of Public Health & Human Services Mt Assoc of Nurse Anesthetists	409	✓	
[illegible]	[illegible]	409		
[illegible]	[illegible]	409	✓	
[illegible]	[illegible]	409	✓	
[illegible]	[illegible]	409	✓	
[illegible]	[illegible]	409		
[illegible]	[illegible]	409	✓	
[illegible]	[illegible]	409	✓	
[illegible]	[illegible]	409	✓	
[illegible]	[illegible]	409		
[illegible]	[illegible]	409	✓	
[illegible]	[illegible]	409	✓	
Tim Hazel	County Attorneys	482	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

Please sign & return to Secretary of Committee

SENATE Business COMMITTEE

BILL SB409 VISITORS' REGISTER DATE 2/4/09

Please note bill no. (check one)

NAME	REPRESENTING	BILL #	SUPPORT	OPPOSE
Scott Mackey	Montana Petroleum Marketers Association	SB409	✓	
Brad Brown	Montana Oil & Gas Association	SB409	✓	
Matt Adkins	Women's Place	SB409	✓	
Michael Black	Billings Downtown Partnership	SB409	✓	
Michael Dickson	University of Montana	SB409	✓	
Al Brown	Self	SB409	✓	
Jamie Doggett	Montana Petroleum Marketers Association	SB409		
[illegible]	[illegible]	[illegible]	✓	
[illegible]	[illegible]	[illegible]	✓	
[illegible]	[illegible]	SB409	✓	
[illegible]	Montana Petroleum Marketers Association	SB409	✓	
[illegible]	[illegible]	SB409	✓	
[illegible]	[illegible]	SB409	✓	
[illegible]	[illegible]

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 18, 1979

The forty-second meeting of the Senate Judiciary Committee was called to order by Senator Everett R. Lensink at 9:36 a.m. in room 331 of the capitol building on the above date.

ROLL CALL:

All members were present.

DISPOSITION OF SENATE BILL 476:

Joan Mayer from the Legislative Council offered amendments to this bill. Senator Towe moved that the bill be amended on page 11, line 7, by striking the words, "or accept". Senator Turnage suggested an amendment on line 15, page 11, by adding the following language "(2) refusal to take the examination may not be used in any manner whatsoever." Senator Towe moved the amendments offered by Joan Mayer including the extra ones be adopted. The motion carried unanimously.

Senator Turnage moved in Section 15, page 11, line 16, that Section 15 be reinserted. Section 15: "Admissibility of examination or test results and added further: "Providing the results of the examination or test shall not be admitted as evidence in the courts of Montana or in any administrative proceedings." The motion carried with Senator Van Valkenburg, Senator Towe and Senator Healy voting no.

Senator Towe moved that the bill as amended do pass. The motion carried unanimously.

DISPOSITION OF SENATE BILL 221:

Senator Towe moved the amendments offered by the Department of Revenue. The motion carried unanimously. Senator O'Hara moved amendment #1 of amendments offered by Joan Mayer. The motion carried unanimously. Senator Towe moved the bill do pass as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 228:

Joan Mayer from the Legislative Council offered some amendments, which in effect would incorporate Senate Bill 223 into this bill. Senator Turnage moved that the bill be amended on page 2, line 11, by striking "shall" and inserting "may". The motion carried unanimously.

Senator Towe moved thatthe bill as amended, do pass.

Senator Van Valkenburg moved to amend the bill on page 10, line 7, following the word "trial" insert "such trial must be held within a reasonable period of time." The motion carried unanimously.

Senator Towe moved that the bill do pass, as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 395:

Senator Olson moved that this bill do pass. The motion carried unanimously.

DISPOSITION OF SENATE BILL 409:

This bill is an act to generally revise the law relating to assaults occuring between spouses, also known as the battered spouse act. According to law now, the divorce courts may be regulated to give awards, stated Senator Towe, and if, at the present time, they do not get a divorce, they are stuck.

Senator Van Valkenburg commented that there is some question as to whether an assault includes a battery.

Senator Van Valkenburg moved that this bill be amended on page 1, line 9, section 1, by inserting the material "There should be no interspousal immunity as to intentional torts". This motion was withdrawn and Senator Van Valkenburg moved that the wording offered by Joan Mayer be adopted. The motion carried.

Senator Turnage moved that this bill be amended on page 3, line 3 and 4 by striking all the new material and insert "unless enjoined by a court"; and strike sections 2 and 3 in their entirety. The motion carried unanimously.

Senator Van Valkenburg moved that the title and catch line be amended in section 1. The motion passed unanimously.

Senator Towe moved that on page 3, line 16, that the bill be amended by striking "whether" and on line 17, strike "separation or otherwise" and insert "order".

Senator Van Valkenburg commented that you are really forcing people to go out and get an attorney.

The motion carried unanimously.

Senator Towe moved that the bill do pass, as amended. The motion carried unanimously.

Date 2/12/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

SENATE

STANDING COMMITTEE REPORT

February 19, 19 79

MR. President:

We, your committee on Judiciary

having had under consideration Senate Bill No. 395

Respectfully report as follows: That Senate Bill No. 395

DO PASS

Everett R. Lensink Chairman.

STATE PUB. CO.
Helena, Mont.

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 132	to allow a recount if the unsuccessful candidate posts a bond to cover all costs of the recount	2/27/79	Blaylock	3-7-79	Be Concurred In	3-8
SB 395	revise/clarify prohibitions against corporate contributions & expenditures in political campaigns	2/27/79	S. Brown	3-6-79	As Amended Be Concurred In	3-6
SB 400	to transfer function of mental disabilities board of visitors from exec. to legis branch; attaching the board to legislative audit committee	2/27/79	Towe	3-7-79	Statement of Intent Tabled 3-7	[illegible]
SB 422	to provide for reestablishment of [illegible] board of professional engineers & land surveyors for 6 years; revise membership; reduce terms; limiting members to 3 terms; quorum requirement; etc.	2/27/79	[illegible]	F.N.-2/28 3-8-79	Statement of Intent As Amended Be Concurred In	3-13
SB 425	to change use of state-owned nursing home at Glendive from geriatric to div. disabled; imm. effec. date	2/27/79	Thiessen, et all	F.N.-2/28 3-7-79	moved to Appropriations	3-9
[illegible]	commemorating the 100th anniversary of Butte, Montana	4-6-79	Cooney	4-6-79	Do Pass	4-6
[illegible]	expressing gratitude to Mrs. Isabel Haynes for her generosity in donating the Haynes family collection [illegible]	4-9-79	Bardanouve, et all	4-10-79	Do Pass	4-10

STATE ADMINISTRATION COMMITTEE
House of Representatives

March 6, 1979

Chairman Brand called the hearing to order at 9:00 a.m., Rep. Azzara was excused for another hearing, and all other members were present.

SB 344-Sponsored by Senator Roskie -- He sketchily explained the bill.

VERA FRESEMAN-State Treasurers' Office, Administrator -- She submitted a concise explanation, please see Attachment #1.

LEO BERRY-Director, Department of State Lands was also present for questions.

NO OPPONENTS, NO QUESTIONS.

SB 442-Sponsored by Senator Steve Brown -- This deals with the accumulation of vacation time of state employees and the ability to extend allowable vacation time into the first 90 days of the succeeding calender year. This eases the time around Christmas because everybody wants off then.

TOM SCHNEIDER-Executive Director, MPEA -- If we have any problems with this bill, could we move it down to the Ag. Committee? It deals only with people having excessive numbers of days at the end of any year. This occurs more with management than lower level employees. There's very little fiscal impact and we urge your support.

LES NILLSON-Montana State Firemens' Association -- It is an administrative bill. They aren't asking for anything extra. It doesn't have much of an effect on us but we do look out for our administrators.

PONENT

PAT ESTENSON-State Personnel Division -- We are neither proponent nor opponent. The concern reflected in this bill has been heard mainly from upper eschelon employees who loose their leave because they can't always just up and go on vacation.

NO OPPONENTS, NO QUESTIONS

SB 395-Sponsored by Senator Steve Brown -- This was introduced at the request of the Commissioner of Campaign Practices. This get rid of alot of archaic language which included everything from cemetary companies to refrigeration firms. Some of the changes are: (1) corporations are not allowed to contribute in any manner; (2) it is illegal to receive such money as a candidate; (3) allows a corporation to set up a separate entity for the purpose of contributions; (4) deals with ballot issues.

JANELLE FALLON-Montana Chamber of Commerce -- This statutorily clarifies things we are already doing and just cleans it up a bit. The section on corporate political committees is very close to the federal statute. I would urge your support.

MAGGIE DAVIS-League of Women Voters -- When this came into law we had to disincorporate so that we could make the provisions of the law. We are still disincorporated, but still support this issue. Ballot issues are not mentioned specifically in this but are included by omission. I would offer an amendment on page 1, line 13 to clarify the grammar - strike "Prohibited" and reinsert if after "corporations".

NO OPPONENTS

AKLESTAD-The Wheat Commissions, Western Wheat Association, etc., here have smaller counterparts in Taiwan. We tried to get a broad title to cover similar agencies in Taiwan.

BARDANOUVE-Why was the bill amended on page 1, line 19? AKLESTAD-In the late '60's early '70's China turned down our wheat because of smut disease.

EXECUTIVE SESSION

SB 344-O'CONNELL moved BE CONCURRED IN, which carried unanimously.

SB 395-JOHNSTON moved BE CONCURRED IN.

SALES made a substitute motion to include Davis' amendment on page 1, lines 13 and 14: striking the catch line, and inserting: "Prohibited contributions from corporations" - motion carried.

Johnston's motion of Be Concurred In was altered to AS AMENDED BE CONCURRED IN, and carried unanimously.

SB 112-FEDA moved to amend by striking section 12.

McBRIDE then made a substitute motion to hold to see what happened to SB 395, which carried.

SB 212-PORTER moved BE CONCURRED IN, which carried on a roll call vote 13 - 4.

SB 442-BAETH moved BE CONCURRED IN.

SALES-I can't support this. It seems if we made it 90 days before the end of the year it would be a better step, I think the state is very sloppy about this and this bill gives them even more latitude.

As a substitute motion SALES moved NOT BE CONCURRED IN, which carried on a roll call vote 12 - 5.

SJR 6-Donaldson moved to hold this to see the scope of Rep. Scully's resolution on the same subject.

ZEZOTARSKI-SB 112 wouldn't have to be amended if 395 passes because it is a recod bill and 395 would supercede it.

SB 156-McBRIDE-Howard and I wanted to investigate this because our areas would be most penalized. PORTER-When I explained the problem the man said he had kept the envelopes and that his being late was not necessarily the fault of Yellowstone because the forms to be returned are late coming in. McBRIDE-They are going through transition from manual to computer in Silverbow; so we talked about an amendment to relieve a county undergoing transition for a period of a year with no penalty. PORTER-This computer business is complex and I can sympathize.

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Ou
HJR 52	supporting the continued freedom of 17 million people in republic of china	3/5	Scully	3/9	do pass	3/14
HB 899	suspend for two bienniums cleanup legislation	3/5	Scully	3/9	Table	
SB 395	revise - prohibitions corporate contributions	3/9	S. Brown	3/14	be concurred	3/17
SB 112	revise - election	3/9	Graham	3/14	Table	
SB 132	recount - if candidate posts bond	3/9	Blaylock	3/14	as amended be concurred	3/15
HJR 55	interim comm - Montana's judicial district, etc	3/10	Ramirez	3/14	as amended do not pass	3/14

That the Committee rise and report and beg leave to sit again. (Harrington, Chairman). Report adopted. (87-1)

MOTIONS

Scully moved that SB 395 be taken from Third Reading and referred to the Committee on Judiciary. Motion carried.

Scully moved that SB 112 be taken from Second Reading and referred to the Committee on Judiciary. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 153 was concurred in by the following vote:

Ayes: Anderson, Azzara, Baeth, Bardanouve, Bengtson, Bennett, Bertelsen, Brand, Burnett, Conroy, Cooney, Curtiss, Daily, Dassinger, Day, Donaldson, Dozier, Dussault, Ellerd, Ellis, Ellison, Ernst, Eudaily, Fabrega, Fagg, Feda, Frates, Gesek, Gilligan, Gould, Hand, Harper, Harrington, Hayne, Hemstad, Hirsch, Holmes, Huennekens, Hurwitz, Iverson, Jensen, Johnson, Johnston, Kanduch, Keedy, Kemmis, Keyser, Kropp, Kvaalen, Lien, Lory, Lund, McBride, Magone, Manning, Manuel, Marks, Menahan, Metcalf, Meyer, Moore, Nathe, Nordtvedt, Oberg, O'Connell, Pavlovich, Pistoria, Porter, Ramirez, Reichert, H. Robbins, K. Robbins, Rosenthal, Roth, Sales, Schultz, Scully, Seifert, Shelden, Sivertsen, Smith, South, Spilker, Staigmiller, Stobie, Teague, Thoft, Tropila, Uhde, Underdal, Vincent, Waldron, Williams, Wood, Wyrick, Mr. Speaker.
Total 96

Noes: None.
Total 0

Excused: Kessler, Quilici, Vinger.
Total 3

Absent or not voting: Yardley.
Total 1

Senate Bill No. 212 was concurred in by the following vote:

Ayes: Anderson, Baeth, Bardanouve, Bengtson, Brand, Conroy, Cooney, Daily, Dassinger, Day, Donaldson, Dozier, Dussault, Ellerd, Ellis, Ernst, Eudaily, Fagg, Frates, Gesek, Gilligan, Gould, Hand, Harper, Harrington, Hemstad, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnson, Kanduch, Keedy, Keyser, Kvaalen, Lien, Lory, McBride, Magone, Manning, Manuel, Marks, Menahan, Metcalf, Nathe, Oberg, O'Connell, Pavlovich, Pistoria, Porter, Ramirez, Reichert, H. Robbins, K. Robbins, Rosenthal, Sales, Scully, Seifert, Shelden, Sivertsen, South, Staigmiller, Stobie, Teague, Tropila, Uhde, Vincent, Waldron, Williams, Yardley, Mr. Speaker.
Total 72

Noes: Azzara, Bennett, Bertelsen, Burnett, Curtiss, Ellison, Fabrega, Feda, Hayne, Iverson, Johnston, Kemmis, Kropp, Lund, Meyer, Moore, Nordtvedt, Roth, Schultz, Smith, Spilker, Thoft, Underdal, Wood, Wyrick.
Total 25

Excused: Kessler, Quilici, Vinger.
Total 3

Absent or not voting: None.

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
Executive session
and Regular meeting combined.
March 14, 1979

The regular meeting of the House Judiciary Committee was called to order at 8:00 a.m. by Chairman Scully in room 436 of the Captitol Building. Bills scheduled were SB 112, 132, 395, 481 and HJR 55. Representatives Uhde and Conroy were excused.

Because Senate Bills 112. 132 and 395 had been heard already in other House Committees they were merely reviewed by the Judiciary Committee.

While the committee waited for Senator Regan as sponsor of the Bill No. 481 Representative Scully suggested that some action be taken on bills still in committee.

SENATE BILL NO. 511; Representative Iverson moved "be concurred in". The motion carried with the vote unanimous. Representative Keedy will carry on the floor.

SENATE BILL NO. 409: Representative Keedy moved to amend by reinserting the original language, on lines 17 and 18, page 3. The motion carried with the vote unanimous. Representative Holmes moved "be concurred in as amended". The motion carried with the vote unanimous. Representative Holmes will carry if Representative Dussault does not, since she is one of the sponsors.

HOUSE JOINT RESOLUTION 55: Representative Ramirez, as chief sponsor of the bill, went through it and explained it. He suggested that there should be a study committee.

MIKE ABLEY: Supreme Court. This bill is requesting assignment of an interim committee to evaluate Montana's Judiciarl district boundaries, number of judges and court support services. There is quite a disparity in travel expenses. We would like to take an in-depth look at this. He went on to explain a little further as to efficiency and manpower requirements.

MARGARET DAVIS: League of Women Voters. The League is in support of HJR 55 and endorse it totally. She gave the committee a copy of written testimony. (copy attached) We can not afford to authorize more judges. By undertaking a study we feel the legislature will be very much more capable of action on this. They will be more able to deal with it.

REPRESENTATIVE KEMMIS: Will this go to the next legislature.

REPRESENTATIVE RAMIREZ: Just the planning committee for the interim committee would set up a district court planning committee. The interim committee would not have any function other than the planning committee.

JUDICIARY COMMITTEE
EXECUTIVE SESSION
March 17, 1979

The meeting was called to order by Chairman Scully at 10:00 a.m. in room 436 of the Capitol Building on Saturday, March 17. All members were present with the exception of Representatives Daily, Keedy and Kemmis.

SENATE BILL NO. 291: This bill had been held in committee until action had been taken on Senate Bill 65, the elections revision. Representative Holmes moved "be concurred in as already amended. The motion carried with the vote unanimous. Representative Rosenthal will carry.

SENATE BILL NO. 395: Representative Curtiss moved "be concurred in". The motion carried with Representatives Seifert, Conroy and Pavlovich voting "no". Representative Iverson will carry on the floor.

SENATE BILL NO. 519: Representative Keyser moved "be not concurred in". These sections were the ones dropped in 1977 and suggested as a committee bill instead of being put into SB 65. The motion failed by roll call vote 8 to 7, with 3 members absent.

Representative Keyser moved to amend page 1, line 25 by striking "or integrity or which tends to injure or defeat him at the polls". The motion carried with Representatives Holmes, Lory, Eudaily, Keedy and Teague voting "no". Representative Iverson moved to amend line 17, page 1 and strike "only" and insert failure to remove billboards, yard signs, or posters on election day is not considered a violation". He also moved to amend page 1, line 24 by striking the comma and inserting "or". The motion to amend carried with the vote unanimous.

Representative Holmes moved "be concurred in as amended". The motion carried with Representatives Seifert, Conroy and Keyser voting "no".

SENATE BILL NO. 112: Representative Lory commented that this bill clears up some confusion. After some discussion, Representative Conroy moved to table. The motion carried with the vote unanimous.

SENATE BILL NO. 232: Representative Holmes moved the committee reconsider its action taken at an earlier meeting. The motion failed with only two members voting "yes".

SENATE BILL NO. 516: Representative Lory moved "be concurred in". The motion carried with the vote unanimous. Representative Seifert will carry on the floor.

SENATE BILL NO. 395

INTRODUCED BY S. BROWN

BY REQUEST OF THE COMMISSIONER OF CAMPAIGN FINANCES AND PRACTICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY THE PROHIBITIONS AGAINST CORPORATE CONTRIBUTIONS AND EXPENDITURES IN POLITICAL CAMPAIGNS; AMENDING SECTION 13-35-227, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-35-227, MCA, is amended to read:

"13-35-227. ~~Contributions~~ PROHIBITED CONTRIBUTIONS ~~from corporations, public utilities, and others~~ prohibited. ~~No corporation, bank, savings bank, cooperative bank, savings and loan association, trust, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric, light, heat, power, canal, aqueduct, water, cemetery, or crematory company or any company having the right to take or condemn land or to exercise franchises in public ways granted by the state or by any county, city, or town shall pay or contribute in order to aid, promote, or prevent the nomination or election of any person or in order to aid or promote the interest, success, or defeat of any political party, organization, or ballot issue. No person shall solicit or receive such payment or contribution from such corporation.~~ (1) A corporation may not make a contribution or an expenditure in connection with a candidate or a political committee which supports or opposes a candidate or a political party.

(2) A person, candidate, or political committee may not accept or receive a corporate contribution described in subsection (1).

(3) This section does not prohibit the establishment or administration of a separate, segregated fund to be used for making political contributions or expenditures if the fund consists only of voluntary contributions solicited from an individual who is a shareholder, employee, or a member of the corporation.

(4) A person who violates this section is subject to the civil penalty provisions of [section 244 of Senate Bill No. 65, 46th Legislature]."

-End-

REFERENCE BILL